

10/24/03 04772 U.S. PTO

EV355227078

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventorship..... Relyea et al.
Applicant..... Microsoft Corporation
Attorney's Docket No. MS1-1779US
Title: Programming Interface for a Computer Platform

22141 U.S. PTO
10/694080
102403

TRANSMITTAL LETTER AND CERTIFICATE OF MAILING

To: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

From: Steven R. Sponseller (Tel. 509-324-9256; Fax 509-323-8979)
Customer No. 22801

The following enumerated items accompany this transmittal letter and are being submitted for the matter identified in the above caption.

- 1. Specification—title page, plus 188 pages, including 58 claims and Abstract
- 2. Transmittal letter including Certificate of Express Mailing
- 3. 9 Sheets Formal Drawings (Figs. 1-16)
- 4. Return Post Card
- 5. Petition to Suspend Rules Pursuant to Rule 1.183
- 6. Two duplicative sets of three compact discs (CD-Rs) each labeled "Copy 1" and "Copy 2".

The two sets of compact discs are identical. The compact discs, and files stored thereon, may be read using a Windows®-based computing device (e.g., IBM-PC, or equivalent) that executes a Windows®-brand operating system (e.g., Windows® NT, Windows® 98, Windows® 2000, Windows® XP, etc.). The first compact disc in each set of three compact discs (CD 1 of 3) includes a file folder named "lhsdk" that was created on October 22, 2003; it is 586 Mbytes in size, contains 9,692 sub-folders, and contains 44,292 sub-files. The second compact disc in each set of three compact discs (CD 2 of 3) includes a file folder named "ns" that was created on October 22, 2003; it is 605 Mbytes in size, contains 12,628 sub-folders, and contains 44,934 sub-files. The third compact disc in each set of three compact discs (CD 3 of 3) includes a file folder named "ns" that was created on October 22, 2003; it is 575 Mbytes in size, contains 9,881 sub-folders, and contains 43,630 sub-files.

Date: 10/24/2003 By: Steven R. Sponseller
Reg. No. 39,384

CERTIFICATE OF MAILING

I hereby certify that the items listed above as enclosed are being deposited with the U.S. Postal Service as either first class mail, or Express Mail if the blank for Express Mail No. is completed below, in an envelope addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the below-indicated date. Any Express Mail No. has also been marked on the listed items.

Express Mail No. (if applicable) EV355227078
Date: 10/24/03 By: Carlin Taylor
Carlin Taylor

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2 Application Serial No.
 3 Filing Date
 4 Inventorship..... Relyea et al.
 5 Assignee..... Microsoft Corporation
 6 Group Art Unit
 7 Examiner
 8 Attorney's Docket No. MS1-1779US
 9 Title: "Programming Interface for a Computer Platform"

6 **PETITION TO SUSPEND RULES PURSUANT TO RULE 1.183**

8 To: Commissioner for Patents
 9 PO Box 1450
 10 Alexandria, Virginia 22313-1450

10/30/2003 HMARZ11 00000048 10694080
 01 FC:1460 130.00 DA

11 From: Lewis C. Lee (Tel. 509-324-9256; Fax 509-323-8979)
 12 Lee & Hayes, PLLC
 13 421 W. Riverside Avenue, Suite 500
 14 Spokane, WA 99201

14 Applicant submits that the subject application is being filed under
 15 extraordinary circumstances. The application contains content from a Software
 16 Development Kit (SDK) for the Microsoft® Windows® Code-Named "Longhorn"
 17 operating system. The SDK contains documentation for the Microsoft®
 18 Windows® Code-Named "Longhorn" operating system.

19 The SDK was initially stored on a DVD. When installed, users can
 20 conveniently view a hierarchy of files that includes a very large set of APIs
 21 (Application Program Interfaces) arranged in namespaces and easily navigated
 22 through the hierarchy to any particular interface.

23 The subject matter in the SDK to be included in the patent application is of
 24 enormous size, totaling approximately 1,766 Mbytes (i.e., more than 1.7 Gigabytes)
 25 The Patent Office does not accept DVDs. Rule 1.52(e) does, however, permit

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1 submission of compact discs that contain electronic documents that are to become
2 part of the permanent record at the US Patent and Trademark Office.

3 Applicant has thus prepared three compact discs, with subject matter
4 extracted from the SDK and stored in a linked HTML format. Each compact disc
5 conforms to the International Standards Organization (ISO) 9660 standard. The
6 HTML format is ASCII compliant, as it contains human-readable ASCII characters.
7 It does, however, also include HTML code.

8 Although it is believed that the three compact discs with subject matter
9 stored in linked HTML format complies with the requirements Rule 1.52(e),
10 Applicant hereby requests, pursuant to Rule 1.183, suspension of Rule
11 1.52(e)(3)(i) in the event that the additional HTML code somehow renders the
12 stored contents not precisely compliant with ASCII.

13 Applicant's counsel, Lewis Lee (Reg. No. 34,656), discussed this matter with
14 Michael Lewis of the USPTO on several occasions during the week of Oct. 13th,
15 2003. Submission of this petition was determined to be the most appropriate course
16 of action to ensure compliance with the filing requirements.

17 The Office is hereby authorized to charge a petition fee set forth in § 1.17(h)
18 to our Deposit Account is 120769.

20 Respectfully Submitted,

22 Dated: Oct. 24, 2003

21 By: 

23 Lewis C. Lee
24 Reg. No. 34,656
25 (509) 324-9256 ext. 211